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| 10/717,407 | 11/18/2003 | Vander R. Alves | SVL920030047US1 | 7238 |
| 47069 | 7590 | 04/19/2007 | EXAMINER | |
| KONRAD RAYNES & VICTOR, LLP | | | MORRISON, JAY A | |
| ATTN: IBM54 | | | ART UNIT | PAPER NUMBER |
| 315 SOUTH BEVERLY DRIVE, SUITE 210 | | | 2168 | |
| BEVERLY HILLS, CA 90212 | | | | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/19/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/717,407 | ALVES ET AL. |
| | Examiner | Art Unit |
| | Jay A. Morrison | 2168 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 January 2007.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-27 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 05 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION

Remarks

1. Claims 1-27 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/24/07 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tandon (Patent Number 6,233,587) in view of Holenstein et al. ('Holenstein' hereinafter) (Publication Number 2004/0133591 A1) and further in view of Kleewein et al. ('Kleewein' hereinafter) (Patent Number 5,953,719).

As per claim 1, Tandon teaches

A computer-implemented method for extending a database transaction to include at least one operation that accesses a computer resource by means of a Transaction Protocol describing a two-phase commit application programming interface (API) that operates between a transaction manager and a resource manager for transaction processing distributed over computer systems, said method comprising: (see abstract and background)

registering said operation with said database (modules registered, column 7, lines 43-51);

executing said database transaction that includes said database operation; (execute transaction, column 8, lines 10-21);

enabling said database to operate as said Transaction Manager by means of said Transaction Protocol, wherein said Transaction Manager manages distributed transactions by coordinating decisions about commit or rollback of pending transactions and coordinating failure recovery; (support the protocol used by XA-compliant transaction managers, column 7, lines 4-10; column 8, lines 10-21; column 12, lines 18-28)

"accessing said resource manager by said database operating as said Transaction Manager" (transaction managers and resource managers integrated, column 8, lines 10-21; column 12, lines 18-28);

"invoking said operation as part of said database transaction" (resource manager performs corresponding actions, column 8, line 42 through column 9, line 17);

"recording with said database that said operation has been invoked" (mapping and writing to log, column 10, line 12 through column 12, line 5);

"executing said invoked and recorded operation while executing said database transaction" (transaction events, column 8, line 42 through column 9, line 17);

"accessing said computer resource in response to executing said invoked and recorded ... operation by said resource manager, thereby extending said database transaction" (resource manager event, column 8, line 42 through column 9, line 17);

and in response to performing a rollback of said transaction, including said ... operation in said rollback. (transaction recovery, column 8, lines 55-68)

Tandon does not explicitly indicate "user-defined", "of said computer resource accessed by said user-defined operation", "wherein the user-defined operation enables a database operation to be extended with user-customizable features".

However, Holenstein discloses "user-defined", "of said computer resource accessed by said user-defined operation", "wherein the user-defined operation enables a database operation to be extended with user-customizable features" (stored procedure, paragraph [0379]; note: Applicant also notes that in the background that many databases enable users to extend database operations with user-customizable features, page 1, line 32 through page 2, line 2, so this feature is already admitted by the applicant as well known in the art regardless).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tandon and Holenstein because using the steps of "user-defined", "of said computer resource accessed by said user-defined operation", "wherein the user-defined operation enables a database operation to be extended with user-customizable features" would have given those skilled in the art the tools to improve the invention by allowing more control of the commit and rollback operations. This gives the user the advantage of having less chance for data corruption in the database.

Neither Tandon nor Holenstein explicitly indicate "in response to performing a commit of said database transaction, coordinating a two phase commit".

However, Kleewein discloses "in response to performing a commit of said database transaction, coordinating a two phase commit" (two-phase commit, column 6, lines 30-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tandon, Holenstein, and Kleewein because using the steps of "in response to performing a commit of said database transaction, coordinating a two phase commit" would have given those skilled in the art the tools to improve the invention by allowing better use of computer resources in execution decisions using two-phase commits. This gives the user the advantage of not having to wait longer periods for rollbacks.

As per claim 2,

Tandon and Holenstein do not explicitly indicate "said database transaction is a single-phase transaction".

However, Kleewein discloses "said database transaction is a single-phase transaction" (column 5, lines 13-30).

It would have been obvious to one of ordinary skill in the art to combine Tandon, Holenstein and Kleewein because using the steps of "said database transaction is a single-phase transaction" would have given those skilled in the art the tools to improve the invention by adaptively control which type of which type of commit protocol is used. This gives the user the advantage of having more choices to ensure data integrity.

As per claim 3,

Tandon and Holenstein do not explicitly indicate "said database transaction is a two-phase commit transaction".

However, Kleewein discloses "said database transaction is a two-phase commit transaction" (column 6, lines 30-38).

It would have been obvious to one of ordinary skill in the art to combine Tandon, Holenstein and Kleewein because using the steps of "said database transaction is a two-phase commit transaction" would have given those skilled in the art the tools to improve the invention by adaptively control which type of which type of commit protocol is used. This gives the user the advantage of having more choices to ensure data integrity.

As per claim 4,

Tandon and Holenstein do not explicitly indicate "executing said database transaction comprises an application program initiating said database transaction".

However, Kleewein discloses "executing said database transaction comprises an application program initiating said database transaction" (column 3, lines 17-29).

It would have been obvious to one of ordinary skill in the art to combine Tandon, Holenstein and Kleewein because using the steps of "executing said database transaction comprises an application program initiating said database transaction" would have given those skilled in the art the tools to improve the invention by enabling

an application program. This gives the user the advantage of being able to call database procedures from a customized application.

As per claim 5, Tandon teaches

“executing said database transaction comprises a transaction manager external to said database initiating said database transaction” (column 6, lines 19-37).

As per claim 6, Tandon teaches

“said recording is completed with a Transaction Protocol Interface” (column 12, lines 18-28).

As per claim 7,

Tandon does not explicitly indicate “user-defined”.

However, Holenstein discloses “user-defined” (stored procedure, paragraph [0379]; note: Applicant also notes that in the background that many databases enable users to extend database operations with user-customizable features, page 1, line 32 through page 2, line 2, so this feature is already admitted by the applicant as well known in the art regardless).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tandon and Holenstein because using the steps of “user-defined” would have given those skilled in the art the tools to improve the

invention by allowing more control of the commit and rollback operations. This gives the user the advantage of having less chance for data corruption in the database.

Tandon and Holenstein do not explicitly indicate "said invoking said operation is completed with a data access module".

However, Kleewein discloses "said invoking said operation is completed with a data access module" (column 4, lines 7-18).

It would have been obvious to one of ordinary skill in the art to combine Tandon, Holenstein and Kleewein because using the steps of "said invoking said user-defined operation is completed with a data access module" would have given those skilled in the art the tools to improve the invention by enabling synchronization of multiple databases. This gives the user the advantage of insuring the integrity of distributed databases.

As per claim 8, Tandon teaches

"said resource manager manages a distributed computer resource" (column 6, lines 19-37).

As per claim 9, Tandon teaches

"said resource manager manages a local computer resource" (column 6, lines 19-37).

As per claim 10-18,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 1-9 and is similarly rejected.

As per claim 19-27,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 1-9 and is similarly rejected.

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record, listed on form PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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